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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/804,087

03/19/2004

Juha R. Vallinen

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7034

32294

7590

03/17/2008

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14TH FLOOR

TYSONS CORNER, VA 22182-2700

EXAMINER

SHIN, JOHN Y

ART UNIT

PAPER NUMBER

3687

MAIL DATE

DELIVERY MODE

03/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/804,087	Applicant(s) VALLINEN ET AL.	
	Examiner John Shin	Art Unit 3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/19/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 and 11-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Young et al (2002/0072412).
4. Regarding claim 1, Young shows a method for charging in a communication system, the method comprising:
 - initiating a provision of a service for at least two parties (paragraph 4);
 - verifying that each of the at least two parties is capable of paying for use of the service (paragraph 28);
 - generating payment information (paragraphs 28-30); and
 - charging for use of the service based on the payment information (paragraph 30).
5. Regarding claim 2, Young shows the limitation wherein the step of initiating comprises initiating a provision of a game (abstract).

6. Regarding claim 3, Young shows communicating at least one message between the at least two parties regarding a principle for paying for the use of the service and including the principle in the payment information (paragraph 21).
7. Regarding claim 4, Young shows agreeing, between the at least two parties, to an occurrence that unambiguously defines a party who is responsible for paying for use of the service (paragraph 22).
8. Regarding claim 5, Young shows defining the occurrence to be losing a game (paragraphs 4, 22).
9. Regarding claim 6, Young shows reserving for a party payment resources from a prepaid account of the party and including information of the reserved payment resources in the payment information (paragraph 25).
10. Regarding claim 7, Young shows reserving the payment resources in an online charging system (paragraph 26).
11. Regarding claims 11 and 21, Young shows a communication system comprising:
 - a network entity configured to provide a service that can be used simultaneously by at least two parties (paragraph 4);
 - verification means, or verifier, for verifying that each of the at least two parties is capable of paying for use of the service (paragraph 28);
 - payment information generating means, or payment information generator, configured to provide payment information for the use of the service by the at least two parties (paragraphs 28-30); and

- charging means, or charger, configured to charge the use of the service based on the payment information (paragraph 30).

12. Regarding claims 12 and 22, Young shows the limitation wherein the payment information generator is configured to enable the at least two parties to negotiate a principle for paying for the use of the service and to include the principle in the payment information (paragraph 21).

13. Regarding claims 13, 14, 23, and 24, Young shows a prepaid account for each party of the at least two parties for storing payment resources and configured to allow reservation of the payment resources wherein the prepaid account is managed by one of an online charging system and a user information storage entity (paragraphs 25, 26).

14. Regarding claims 15, 16, 25, and 26, Young shows the limitations wherein the network entity is one of a serving controller and an application server and wherein the network entity is a game server (Fig. 1).

15. Regarding claim 17, Young shows a network entity configured to:

- enable simultaneous provision of a service for at least two parties (paragraph 4),
- the network entity comprising verification means for verifying that the at least two parties using the service are capable of paying for use of the service (paragraph 28),
- payment information generating means configured to provide payment information for the use of the service by the at least two parties for use in charging for the use of the service (paragraphs 28-30).

16. Regarding claim 18, Young shows a network entity being configured to charge the service based on payment information (paragraph 26).

17. Regarding claims 19 and 20, Young shows a network entity being one of a serving controller and an application server and the limitation wherein the network entity is a game server (Fig. 1).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al in view of official notice.

20. Regarding claim 8, Young shows charging the service to the reserved payment resources (paragraph 26) but does not expressly show returning unused payment resources. However, the examiner takes official notice that it is notoriously old and well-known in the art to return unused payment resources in any business transaction. It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the method of Young by adding the ability to return unused payment resources in order to protect users from wrongfully losing funds.

21. Regarding claim 9, Young shows the limitation wherein the charging step comprises charging the service to one of the at least two parties (paragraphs 25, 26).

22. Regarding claim 10, although Young does not expressly show sending at least one message in accordance with Session Initiation Protocol, the examiner takes official notice that it is notoriously old and well-known in the art to send messages in accordance with Session Initiation Protocol (SIP). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the method of Young by adding the ability to send messages in accordance with SIP in order to provide an application-layer control protocol that is widely used and supported.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gillan et al (2005/0277472) – Shows an online gamer server system for generating revenue

Kim (2002/0160838) – Shows an online server for supporting online games

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Shin whose telephone number is (571) 270-3276. The examiner can normally be reached on Monday to Friday, 10:30 am - 7:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Gart can be reached on (571) 272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John Shin
Patent Examiner, A.U. 3687
March 6, 2008

/Elaine Gort/
Primary Examiner, Art Unit 3687
3/7/2008